

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SONIA YVONNE GARZA,

Plaintiff,

vs.

NANCY A. BERRYHILL,
COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION;

Defendant.

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CIVIL NO.
SA-18-CV-0872-OLG

ORDER

Before the Court is the above-styled cause of action, which was referred to the undersigned for all purposes pursuant to Rules CV-72 and 1(c) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas. The record reflects that Plaintiff filed her Complaint for review of a decision by the Commissioner of Social Security on August 23, 2018 [#1]. At that time, Plaintiff requested the issuance of summons as to the General Counsel of the Social Security Administration, the Office of the United States Attorney, and the Attorney General of the United States [#2, #3, #4]. However, the record does not reflect that service has been returned as to any party.


Rule 4(m) of the Federal Rules of Civil Procedure requires a plaintiff to serve a defendant within 90 days after the complaint is filed. Fed. R. Civ. P. 4(m). In the event of a failure to timely serve the complaint and summons, the rule directs the court to dismiss an action without prejudice or order that service be made within a specified time. *Id.* If the plaintiff shows good cause for the failure to serve, the court must extend the time for service for an appropriate period. *Id.* Because Plaintiff filed her Complaint on August 23, 2018, service was to be completed by November 21, 2018. Plaintiff failed to comply with Rule 4(m). Accordingly, the Court will

order Plaintiff to complete service within 30 days of this Order or, alternatively, show cause as to why she needs additional time to serve Defendant.

Although Rule 4(i) generally governs service on the United States and its agencies, the Social Security regulations dictate a specific process for serving summonses and complaints seeking judicial review of final Agency decisions on individual claims for benefits under the Social Security Act. *See* Fed. R. Civ. P. 4(i); 20 C.F.R. § 423.1. The regulations direct plaintiffs to serve the Commissioner of Social Security by mail at the office of Social Security Administration's Office of the General Counsel that is responsible for the processing and handling of litigation in the particular jurisdiction in which the complaint has been filed. 20 C.F.R. § 423.1. For cases filed in the Western District of Texas, the summons should be directed to the Office of the Regional Chief Counsel, Dallas (Region VI), Social Security Administration, 1301 Young Street, Ste. A702, Dallas, TX 75202-5433. Notice Announcing Addresses for Service of Process, 82 Fed. Reg. 11494-01 (Feb. 23, 2017). The summons issued in this case does not reflect this address. Plaintiff should therefore request the reissuance of summons at the address listed herein to ensure the Commissioner receives proper notice of this lawsuit.

IT IS THEREFORE ORDERED that Plaintiff effect service of her Complaint and summons within 30 days of this Order, **on or before January 14, 2019**, on the Office of the Regional Chief Counsel, Dallas (Region VI) or show cause as to why service cannot be completed. A failure to comply with this Order may result in dismissal of this action.

SIGNED this 14th day of December, 2018.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE